

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 15-1874 (DSD/HB)

Jamie Lynam,

Petitioner,

v.

ORDER

Julie Nicklin,

Respondent.

Jamie Lynam, #25618-045, FCI Waseca, P.O. Box 1731, Waseca, MN 56093, pro se.

Ana H. Voss, Assistant U.S. Attorney, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, counsel for respondent.

This matter is before the court upon the report and recommendation of Magistrate Judge Hildy Bowbeer dated April 23, 2015. The magistrate judge recommended that the court transfer the case, brought under 28 U.S.C. § 2241, to the United States District Court for the Western District of Missouri, the court of petitioner Jamie Lynam's conviction. Magistrate Judge Bowbeer also noted that Lynam's claims should have been raised in a motion under 28 U.S.C. § 2255, rather than § 2241, and that the transferee court may consider the matter in accordance with § 2255. In response to the report and recommendation, Lynam does not object to the transfer but indicates that she would like the matter to be considered under § 2255. It also appears that Lynam seeks to amend her petition to include additional claims under § 2255 for ineffective assistance

of counsel. ECF No. 5. Under these circumstances, the court finds it appropriate adopt the report and recommendation and transfer the matter to the proper forum for consideration.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's amended report and recommendation [ECF No. 4] is adopted in its entirety;

2. The action is transferred to the United States District Court for the Western District of Missouri; and

3. The motion to appoint counsel [ECF No. 2] is denied as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 4, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court